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CONSIDERATION OF REPORTS

Joint written statement submitted by FIAN - FoodFirst Information and Action Network, Habitat International Coalition, International Federation of Human Rights Leagues and International Federation Terre des Hommes, non-governmental organizations in special consultative status with the Economic and Social Council, and by Casa y Ciudad AC-Coalición México, member of Habitat International Coalition, Centre for Reflection and Labour Action (CEREAL), DECA Equipo Pueblo, Defence for the Right to Health, FIAN Mexican Section, Forum of Civil Organizations for Democracy, Frente por el Derecho a Alimentarse (FDA), Human Rights Centre "Miguel Augustin Pro Juárez" (PRODH), Mexican Collective in Support of Children (COMEXANI), Mexican Commission for the Defence and Promotion of Human Rights (CMDPDHAC), Mexican League for the Defence of Human Rights (LIMEDDH), National Network of Human Rights NGOs "All Rights for All" and Youth Network for Sexual and Reproductive Rights (ELIGE)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4

[18 November 1999]

Situation of economic, social and cultural rights in Mexico

1. This document was prepared by a coalition of 91 Mexican NGOs, within the framework of the examination of the third periodic report (1992-1996) of the Government of Mexico (E/1994/104/Add.18) by the United Nations Committee on Economic, Social and Cultural Rights. This document represents a collective effort brought about by our concern for the increasing and systematic nature of human rights violations in Mexico, reflected in the United Nations Human Rights Committee's recent observations in connection with the situation in Mexico (CCPR/C/79/Add.109).

2. Our country is experiencing a serious downturn in the general living conditions of increasing numbers of Mexicans. This is largely a result of the structural adjustment policies implemented during the past 17 years which prioritize macroeconomic market indicators over the welfare of the population. This deterioration has become more accentuated since the North American Free Trade Agreement (NAFTA) entered into force in 1994. Such policies have proven incompatible with the spirit and letter of the International Covenant on Economic, Social and Cultural Rights, and deepen the economic and social inequalities that exist amongst the population.

3. The narrowly focused national poverty-alleviation programmes which have been favoured over the past few years are selective, short term, and function as mere palliatives rather than addressing the structural causes of poverty. These programmes, for instance the Programme for Education, Health and Nutrition (PROGRESA), referred to by the Mexican Government in its third periodic report to the Committee, are used for political and electoral ends, heightening discrimination and hindering the construction of a truly democratic political system which is vital for social development.

4. Mexico's rural population is most intensely affected by such factors, in particular the more than 10 million indigenous Mexicans. For years, institutionalized violence in Chiapas has been reflected in the systematic nature of human rights violations and the impunity which inevitably follows. The armed conflict which started in 1994 aggravated this situation, and serves as a warning about the conditions in which indigenous peoples and campesinos throughout the country survive. It is unacceptable that several of the Mexican states richest in natural and cultural resources (including Chiapas, Guerrero, Oaxaca and Veracruz) register the highest levels of poverty and marginalization in the country.

5. The Mexican Government's economic and social policies have a marked gender bias to the detriment of women, whose burden of labour, as well as discrimination against them in various spheres, is increased. It is not enough for the Government to recognize the increasing feminization of poverty. Policies must be redefined from a perspective that integrates women as fully fledged actors, with specific needs and capabilities.

6. The following figures illustrate these concerns.

Poverty and income

7. According to official figures from the Ministry for Social Development, in 1996 there were 40 million poor people in Mexico, of whom 26 million were living in conditions of extreme poverty. In 1994, the official figure was 17 million extremely poor people. In other words, the number of people living in such conditions increased by 9 million in just two years.

8. According to figures from the Colegio de México, the number of poor people living in the country in 1994 was 61.7 million, of whom 36.2 million lived in conditions of extreme poverty. In 1996 these figures had increased to 72.2 million poor, of whom 50.9 million were extremely poor. In other words, an increase of 15 million in two years, according to this non-official figure.

9. Salaries lost an accumulated 47.6 per cent of their purchasing power between December 1994 and August 1999. In 1999 the daily minimum wage goes from US$ 3.13 to US$ 3.63 per day (29.7-34.5 pesos) at different geographical areas in Mexico, when the constitutional basic food basket costs around 285 pesos per day.

Work

10. Unemployment rose from 819,000 individuals to 1,354,700 between 1993 and 1996.

11. Mexico requires around 1.2 million new jobs each year in order to meet employment demand, but in 1998 just 750, 000 new jobs were created and only 40 per cent were permanent posts.

Gender discrimination

12. The Mexican Institute of Social Security (IMSS) and Mexican Petroleum (PEMEX), amongst other federal and state governmental institutions, as well as 56 assembly plants (maquiladoras) throughout the country, request medical certification that potential employees are not pregnant, and dismiss employees for pregnancy.

Children

13. In 1995, 13,373 minors were reported to be living and working on the streets of Mexico City. UNICEF statistics indicate that today's figure would be nearer to 20,000.

Food

14. Social assistance programmes to combat malnutrition have not reached rural areas, where 58 per cent of children under five demonstrate physical and mental problems as a result of poor nutrition. In indigenous areas 73.6 per cent of under-fives show some degree of malnutrition, the same proportion as 22 years ago.

15. In 1996, three years after the signing of NAFTA, an unprecedented quantity of basic food grains (more than 12 million tonnes) was imported by Mexico. This reflects Mexico's dependency on food exports as well as discouraging the campesino agricultural sector.

Health

16. In 1993, 59 per cent of the total number of people without access to health services were women.

17. In 1994, the number of abortions in Mexico was approximately 1.7 million, of which some 50 per cent were induced, which reflects both the lack of access to sexual and reproductive health information and health services for Mexican women. The fourth highest cause of death amongst women in Mexico is abortion.

18. In 1998 there were at least 260,511 people infected with HIV/AIDS in Mexico, of whom approximately 49 per cent lacked access to health services.

19. Figures from the Second National Health Survey of 1994, carried out by the Ministry for Health, show that in the north of the country the rate of hospitalization is 41.3 inhabitants per 1,000, while in the south-east and Gulf regions it is 17.7 per 1,000. In Mexico City the rate is 31.6 per 1,000 inhabitants. The incidence of infectious diseases, malnutrition and reproductive health problems is 2.2 times higher for people who inhabit rural areas than for those who live in urban areas.

Social security

20. In 1996, the total number of people covered by social security was less than a third of the working economically active population, and only 16.7 per cent of the rural population had access to the social security system.

21. The reforms to the Mexican Institute of Social Security Act, approved in 1995, represent a clear step back in terms of respect for economic, social and cultural rights. By privatizing the pension scheme, they destroy the previous system of intergenerational support between workers and affect the rights acquired by workers, for instance to a retirement pension, severance pay and old-age pension after 500 weeks' work; the new law requires 1,250 weeks.

Education

22. In 1993, 13.6 per cent of the adult female population was illiterate compared with 8.9 per cent of the adult male population, and the number of women students was 6 per cent less than that of men.

Housing

23. In 1995 there was a shortage of adequate housing in Mexico of 4.6 million homes: more than 3.5 million required significant improvements to the structure, materials or services, while 1.1 million needed to be replaced by new homes. These figures do not include the need for 780,000 to 850,000 new homes each year.

24. Outside of urban areas, 5.5 million homes lack piped water, 5.6 million are not connected to the street drainage system and almost 1 million lack electricity. Indigenous communities are the most affected.

25. Between January 1997 and June 1999 a total of 39,500 families were evicted from their living places in repossessions, natural disasters or by landlords.

26. The financial policy regarding the purchasing of public housing excludes more than 40 per cent of Mexican families who do not fulfil the requirement of earning three times the minimum wage. Between 60 and 70 per cent of the population build their own housing without government support.

Public spending

27. The national budget is allocated in such a way as to favour military spending (which was 272.4 per cent greater than that allocated to the Ministry for Social Development in 1994, and in 1999 was four times the total sum spent for poverty alleviation programmes) or the bank-rescue package (the 1998 budget for the Ministry for Social Development represents just 3.5 per cent of the total amount spent this year on rescuing private banks, through the Banking Fund for Protection of Savings, FOBAPROA).

The situation in Chiapas

28. Of 96 per cent of the municipalities in Chiapas, 34.23 per cent have extremely high levels of poverty, 50.45 per cent are considered to suffer high poverty levels and 10.81 per cent medium levels. Chiapas is the state with the highest number of municipalities with extremely high levels of poverty.

29. In 1997 the number of military officers stationed in Chiapas rose to 65,100 of a total of 182,328 nation-wide. In other words, one of every three military officers is stationed in Chiapas.

30. In Chiapas there is one medical doctor for every 1,178 inhabitants, which is less than half the national average. In the conflict zone there is less than 1 doctor per 18,900 inhabitants.

31. Chiapas is in first place in the country in terms of reported cases of cholera, diarrhoea and deaths due to tuberculosis.

32. In Chiapas 30.12 per cent of the population is illiterate, almost three times the national average. This situation is typical of regions with a high indigenous and/or rural population.

33. Between 1994 and November 1998, there were approximately 21,159 displaced persons in Chiapas, which represents about 4,063 indigenous families.

Conclusions and recommendations

34. We believe that the Mexican Government's third periodic report precludes the Committee on Economic, Social and Cultural Rights from effectively evaluating progress made towards compliance with the International Covenant on Economic, Social and Cultural Rights.

35. It is worrying that the Mexican Government has not responded satisfactorily to the observations and recommendations made by the Committee on Economic, Social and Cultural Rights in connection with the second periodic report (E/C.12/1993/16). The examination of the Government's third report by this Committee resulted in questions, observations and recommendations that are of vital importance for the construction of the conditions necessary to ensure full respect for economic, social and cultural rights, as well as human rights more generally in Mexico.

36. As members of non-governmental organizations working in areas related to these rights, we ask the Committee to take into account the information and concerns presented in our alternative report, in order to call on the Mexican Government to implement the following recommendations:

(a) To reduce military spending and prioritize a real increase in social spending, in particular in the areas of health, education and social security;

(b) To enshrine the right to food in the national Constitution;

(c) To review the reservation made at the time of signing the International Covenant on Economic, Social and Cultural Rights in connection with article 8, regarding the rights to unionize, to union freedom and to strike. These rights are enshrined in the Constitution as well as in the corresponding regulatory laws;

(d) To promote administrative measures and legislative reforms to implement free, universal and secret ballots in union elections;

(e) To promote a wage policy that guarantees compliance with article 90 of the Federal Work Act, stipulating that the minimum wage should be sufficient to satisfy the normal needs of an average family (in size and socio-cultural terms) and to provide compulsory education for the children;

(f) To ratify International Labour Organization Conventions Nos. 98, 138 and 158;

(g) To establish within the Federal Work Act the prohibition against demanding medical certification of non-pregnancy from prospective employees and the sanctioning of employers who fail to comply;

(h) To reform paragraph B of article 102 of the Constitution in order to grant the state and federal governmental Human Rights Commissions competence to investigate labour issues;

(i) To adopt adequate security measures to allow for the safe return of the displaced population in Chiapas.